

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

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SMARTFLASH LLC and  
SMARTFLASH TECHNOLOGIES  
LIMITED,

Plaintiffs,

v.

APPLE INC., ROBOT ENTERTAINMENT,  
INC., KINGSISLE ENTERTAINMENT, INC.,  
and GAME CIRCUS LLC,

Defendants.

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Civil Action No. 6:13-cv-447

**REPLY DECLARATION OF MARK BUCKLEY IN SUPPORT OF DEFENDANT  
APPLE'S MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)**

I, Mark Buckley, declare as follows:

1. Unless stated otherwise, I have personal knowledge of the facts set forth below, and if called as a witness, could and would competently testify thereto.

2. I am employed as a Finance Manager at Apple Inc. ("Apple"). I work in Apple's office in Sunnyvale, California. I have been employed by Apple since October 2002. I provide this declaration in support of Apple's Reply to Smartflash's Opposition Regarding Apple's Motion to Sever. Unless otherwise indicated below, the statements in this declaration are based upon my personal knowledge or corporate records maintained by Apple in the ordinary course of business.

3. I understand that the infringement allegations related to iAd in this case are directed to "Apple's servers involved in Apple's iAd Network." I also understand that there are 45 employees plus two contractors working in Apple's New York office who are involved with certain aspects of iAd. None of those 47 employees/contractors is involved in the design or development of those servers. Instead, those 47 individuals work in the following areas: (1) sales and account management; (2) operations and support staff (individuals who schedule and manage ads); (3) building iAd advertisements; (4) marketing support staff (individuals who build collateral and presentations); and (5) office support staff. Among these 45 New York employees, there are eight involved in building iAd advertisements, although most of the Apple employees who build iAd advertisements work in Cupertino. The individuals in the New York location who build iAd advertisements are those who interface with clients who are located there.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on the 12 day of November 2013 at Sunnyvale, California.

  
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Mark Buckley